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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF OPTOMETRY

TIME: 9:07 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
2601 North Third Street
Harrisburg, Pennsylvania 17110

August 10, 2017

State Board of Optometry
August 10, 2017

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BOARD MEMBERS:

- Carl J. Urbanski, O.D., Chairperson
- Kathryn L. Waters, Deputy Commissioner of Professional and Occupational Affairs - Absent
- Davis C. Haire, O.D., Vice Chairperson
- Pamela Barnhart, Consumer Protection Member
- Jeffrey Becker, O.D.
- Luanne Chubb, O.D., F.A.A.O.
- Anthony Diecidue, O.D. - Absent
- Gerald Olson, O.D.
- Maria J. Wasson, Public Member - Absent

BUREAU PERSONNEL:

- Jacqueline Wolfgang, Esquire, Board Counsel
- Elizabeth Wecker, Board Administrator

ALSO PRESENT:

- Ted Mowatt, Wanner Associates, POA
- Joseph A. Ricci, Executive Director, POA

1 ***

2 State Board of Optometry

3 August 10, 2017

4 ***

5 The regularly scheduled meeting of the State Board
6 of Optometry was held on Thursday, August 10, 2017.

7 ***

8 Official Call to Order

9 [Carl J. Urbanski, O.D., Chairperson, officially
10 called the meeting to order at 9:07 a.m.]

11 ***

12 Audience Introduction

13 [Chairperson Urbanski requested that audience members
14 identify themselves for the Board.]

15 ***

16 Evacuation Announcement

17 [Elizabeth Wecker, Board Administrator, reviewed the
18 emergency evacuation procedures for One Penn Center.]

19 ***

20 Approval of Agenda

21 CHAIRPERSON URBANSKI:

22 Are there any additions or changes to
23 today's agenda?

24 (There was discussion regarding the additional items
25 added to the agenda.)

1 CHAIRPERSON URBANSKI:

2 May I have a motion to accept the agenda?

3 DR. HAIRE:

4 I make a motion.

5 DR. BECKER:

6 Second.

7 CHAIRPERSON URBANSKI:

8 All those in favor? Opposed? Any
9 abstentions?

10 [The motion carried unanimously.]

11 ***

12 Approval of Minutes

13 CHAIRPERSON URBANSKI:

14 Are there any additions or changes to the
15 Minutes from the May 11, 2017 Optometry
16 meeting? Hearing none. Is there a
17 motion to accept?

18 DR. HAIRE:

19 So moved.

20 DR. OLSON:

21 I second.

22 CHAIRPERSON URBANSKI:

23 All those in favor signify by saying aye?
24 Opposed? Any abstentions? Thank you.

25 [The motion carried unanimously.]

1 ***

2 Report of Prosecutorial Division - No Report

3 ***

4 Report of Board Counsel

5 [Jacqueline Wolfgang, Esquire, Board Counsel, referred
6 the Board to the opioid education notice and
7 verification for review. She discussed updates with
8 regard to the Achieving Better Care by Monitoring All
9 Prescriptions (ABC-MAP) licensure certification.

10 Ms. Wolfgang also discussed therapeutic and
11 glaucoma licensure certification, as well as
12 continuing education for opioids and pain management
13 for practices prescribing or dispensing opioids.

14 Ms. Wolfgang questioned the Board as to whether
15 the 2 hours of opioid education should be attributed
16 to the 6 hours or to attribute the 2 hours to the
17 other 24 hours.]

18 DR. HAIRE:

19 I would make a motion that we include
20 these hours in the 24 and be separate
21 from the other therapeutic requirements.

22 CHAIRPERSON URBANSKI:

23 Is there a second?

24 DR. OLSON:

25 I would second that.

1 CHAIRPERSON URBANSKI:

2 Any further discussion on the motion?

3 (The Board further discussed the motion.)

4 CHAIRPERSON URBANSKI:

5 So the motion before us is to not include
6 the opioid education in the 6 hours of
7 therapeutic but to count it with the
8 other 24 CE requirements for
9 optometrists. We'll call the question.
10 All those in favor of the motion, signify
11 by saying aye. Opposed? Any
12 abstentions?

13 [The motion carried unanimously.]

14 ***

15 [Ms. Wolfgang noted the pending legislation, Senate
16 Bill 758, introduced on June 14, 2017 mirrors House
17 Bill 706, which the Board discussed during the May
18 2017 Board meeting. She further noted that both bills
19 propose to amend the Medical Practice Act by providing
20 a definition of ophthalmic surgery.

21 Ms. Wolfgang highlighted provisions in Senate Bill
22 780, the Telemedicine Act, which define telemedicine
23 and outline the providers of telemedicine under the
24 Healthcare Facilities Act. She noted a clarity
25 regarding insurance company reimbursements for

1 telemedicine.

2 Ms. Wolfgang discussed the draft General
3 Delegation Order. She explained the circumstances for
4 the Board to delegate matters to a Hearing Examiner.]

5 CHAIRPERSON URBANSKI:

6 I'd like to make a motion that our Board
7 accept the General Order of Delegation.

8 Is there a second?

9 CHAIRPERSON URBANSKI:

10 Is there a second?

11 DR. CHUBB:

12 Second.

13 CHAIRPERSON URBANSKI:

14 Second Dr. Chubb. Is there any
15 discussion on the motion? Hearing none.
16 We'll call the question. All those in
17 favor, signify by saying aye. Opposed?
18 Any abstentions?

19 [The motion carried unanimously.]

20 ***

21 Report of Board Chairperson

22 [Chairperson Urbanski welcomed new Board members, Dr.
23 Jeffrey Becker and Dr. Gerry Olson. Both provided a
24 brief summary of their professional backgrounds.

25 Chairperson Urbanski referred to his letter to

1 Rachel Levine, Acting Secretary of Health, requesting
2 approval of cetirizine ophthalmic solution that was
3 recently FDA approved for the treatment of ocular
4 allergy associated with allergic conjunctivitis.]

5 CHAIRPERSON URBANSKI:

6 Are there any questions on the request?
7 Otherwise, I would entertain a motion to
8 send this letter to the Secretary for
9 approval of this new medication.

10 DR. BECKER:

11 I make that motion.

12 DR. CHUBB:

13 Second.

14 CHAIRPERSON URBANSKI:

15 Any discussion? Hearing none. All those
16 in favor of the motion, signify by saying
17 aye. Opposed? Any abstentions?

18 [The motion carried unanimously.]

19 ***

20 [Chairperson Urbanski referred to the Association of
21 Regulatory Boards of Optometry (ARBO) report for
22 further discussion. He and Dr. Haire attended a
23 recent ARBO meeting that focused on regulations in a
24 changing environment.

25 Chairperson Urbanski noted that Dale Atkinson,

1 Counsel for ARBO, discussed regulations and new
2 technologies for telemedicine practice.

3 Chairperson Urbanski updated the Board on the OE
4 TRACKER method. He requested that the Commissioner or
5 Deputy Commissioner update the Board on the PALS
6 system in the near future.

7 The Chair noted discussion with regard to a survey
8 on the performance of the injections component of the
9 testing by the national board. Mr. Urbanski indicated
10 that Dr. Jill Bryant has taken over as the Interim
11 Executive Director of the National Board of Examiners
12 in Optometry.

13 Legal challenges were discussed as noted by
14 Attorney Atkinson, including a group known as the
15 Institute for Justice which is challenging boards as
16 barriers to commerce.

17 Chair Urbanski noted a discussion with regard to
18 boards keeping accurate records and minutes of board
19 activities to value the board's existence. Statutes
20 were addressed relating to reserve board monies being
21 placed into the general fund.

22 There was discussion regarding the State of
23 Florida licensure requirements. Chairperson Urbanski
24 questioned whether the State Board of Optometry's
25 website was compliant with the Federal law which

1 mandates that websites be accessible by handicapped
2 individuals. He stated the code review process,
3 decorative contact lenses, Accreditation Council for
4 Continuing Medical Education (ACCME) and CME credit
5 changes, licensure mobility and reciprocity were also
6 discussed at the meeting.

7 Luanne Chubb, O.D., an auditor for (COPE), the
8 Council on Optometric Practitioner Education,
9 discussed the auditing process as it concerns
10 continuing education courses.

11 Chairperson Urbanski discussed existing
12 state-by-state laws and regulations regarding
13 Telehealth.

14 Chairperson Urbanski announced Dr. Jeff Yunker
15 from South Dakota and Dr. Bobst from Ohio as the
16 recently elected ARBO Board members. He noted Senator
17 Boozman, an optometrist and speaker at the meeting,
18 discussed healthcare reform in congress.

19 Chairperson Urbanski discussed a resolution passed
20 that ARBO would continue working with stakeholders,
21 AOA, ASCO, and the Academy of Optometry to develop an
22 ACCME-like accreditation process. He stated a second
23 resolution offered a memorandum of understanding to
24 those organizations. He also noted presentations by
25 Alcon and Johnson & Johnson compliance officers with

1 regards to compliance with educational grants,
2 sponsorships, and charitable donations from
3 industries.

4 Chairperson Urbanski discussed Open Payments,
5 which started in 2013, that all payments, sponsorship,
6 and anything of value must be reported to the federal
7 government. He noted the website
8 cms.gov/openpayments. He also noted Board
9 consolidation in other states, background checks,
10 Allergan's dry-eye device, and optometric education
11 programs.

12 Chairperson Urbanski discussed the battle between
13 AOA and ARBO for control of education approval. He
14 stated COPE is the most organized process currently in
15 place.]

16 ***

17 Report of Regulatory Counsel

18 [Jacqueline Wolfgang, Esquire, provided a status
19 report on matters before the Board. She discussed the
20 update on the Annex and two general revisions to
21 reflect the adopted definition of contact lenses.

22 Ms. Wolfgang also updated the Preamble. She noted
23 the proposed regulatory package is pending with the
24 regulatory council. Ms. Wolfgang suggested Board
25 members review the overview of the regulatory

1 process.]

2 ***

3 Report of Board Administrator - No Report

4 ***

5 Correspondence

6 [Chairperson Urbanski noted correspondence received
7 from the last meeting.]

8 ***

9 Old Business

10 [Chairperson Urbanski stated there were no concrete
11 updates concerning safe opioid prescribing since Dr.
12 Levine's last presentation.

13 Ms. Wolfgang noted the Board moved forward on the
14 CE requirements. She mentioned the information can be
15 found in prior agendas and on the website.

16 Chairperson Urbanski contacted the Pennsylvania
17 College of Optometry at Salus University regarding the
18 shorter time frame to obtain the opioid CE. He noted
19 students received the approved CE as part of their
20 didactic training under pharmacology at PCO but is
21 awaiting assurance of the applicability of the
22 training to the new graduates.

23 Chairperson Urbanski discussed House Bill 706, a
24 companion bill to Senate Bill 758.]

25 ***

1 New Business

2 [Chairperson Urbanski discussed the Probable Cause
3 Committee and the need for a replacement for Dr.
4 Diecidue to assist Dr. Chubb. He also mentioned the
5 Regulations and Legislative Committee that Dr.
6 Diecidue was a member of with Dr. Haire. He noted the
7 Education Committee responsible for requests and
8 approval of education.

9 Chairperson Urbanski appointed Dr. Olson to the
10 Probable Cause Committee and Dr. Becker to the
11 Education Committee.

12 Chairperson Urbanski addressed concerns regarding
13 telemedicine and optometry.

14 Ms. Wolfgang informed the Board that the Medical
15 Board entered into an Interstate Medical Licensure
16 Compact. The Board adopted the prevailing standards
17 for licensure and affirmed that the practice of
18 medicine occurs where the patient is located at the
19 time of the physician-patient encounter.

20 Ms. Wolfgang discussed her concerns requiring an
21 in-person exam, which is not telemedicine and is
22 standard practice. She advised caution when including
23 specific language of in-person exam in moving forward
24 with the regulations.

25 Dr. Haire stated the basic fundamental principle

1 should be to protect the safety and well-being of
2 consumers, while not limiting access to care or
3 technology.

4 Dr. Becker questioned the definition of
5 telemedicine as talking to patients over the phone, on
6 the weekend, consulting, and deciding to prescribe
7 medications or treatment.

8 Chairperson Urbanski stated optometry does not
9 have a definition and noted Senate Bill 780.

10 Ms. Wolfgang noted exceptions to Senate Bill 780,
11 one of which is consultation by a healthcare
12 practitioner with another healthcare practitioner who
13 has an ongoing practitioner-patient relationship with
14 the individual that was established through an in-
15 person or appropriate virtual examination and agrees
16 to supervise the individual's care.

17 Chairperson Urbanski expressed his concerns from a
18 practitioner health protection standpoint are the
19 prescription of contact lenses without evaluating that
20 lens on the eye of the patient or refilling a contact
21 lens prescription with some type of online app
22 technology.

23 Chairperson Urbanski commented that technologies
24 are performing a refraction using some type of auto
25 refractor downloaded from a computer screen to assess

1 visual acuity. He suggested, from a healthcare
2 provider standpoint, this gives the public a false
3 sense of security of a proper eye exam and that
4 everything is good when, in fact, an eye health
5 assessment or examination, as well as glaucoma
6 testing, was not performed.

7 Mr. Ricci stated POA does not have any legislative
8 initiatives addressing telehealth. He stated the
9 legislative initiatives of focus for POA are the
10 handicapped placard bill, the vision care benefits
11 bill, and updating of the scope of practice act.

12 Mr. Ricci offered to provide information to the
13 POA Board and Legislative Affairs Committee for their
14 consideration in order to become more engaged in
15 telemedicine.]

16 ***

17 Miscellaneous - Board Meeting Dates

18 [Chairperson Urbanski noted the next scheduled meeting
19 date as November 2, 2017. He also noted proposed
20 meeting dates for 2018.

21 Chairperson Urbanski welcomed new Board members
22 appointed and sworn in this morning.]

23 ***

24 CHAIRPERSON URBANSKI:

25 Do we have a motion for adjournment?

1 DR. HAIRE:

2 I so move.

3 DR. OLSON:

4 Second.

5 CHAIRPERSON URBANSKI:

6 Seconded, Dr. Olson. Thank you. The
7 meeting is adjourned.

8 ***

9 [There being no further business, the State Board of
10 Optometry meeting adjourned at 10:31 a.m.]

11 ***

12

13 CERTIFICATE

14

15 I hereby certify that the foregoing summary
16 minutes of the State Board of Optometry meeting, was
17 reduced to writing by me or under my supervision, and
18 that the minutes accurately summarize the substance of
19 the State Board of Optometry meeting.

20

21



22

Ashley Hoover,

23

Minute Clerk

24

Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF OPTOMETRY
REFERENCE INDEX
August 10, 2017

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9:07	Introduction of Audience Members
9:08	Approval of Agenda
9:08	Approval of Minutes
9:09	Report of Board Counsel
9:34	Motions
9:36	Report of Board Chairperson
10:02	Report of Regulatory Counsel
10:06	Old Business
10:09	New Business
10:29	Miscellaneous
10:31	Adjournment